

(2) it shall have verified on the day suspension or termination occurs that payment has not been posted to the customer's

account as of the opening of business on that day.

(g) Rapid posting of payments in response to notices of suspension or termination. Every telephone corporation shall ensure that any payments made in response to a notice, when the customer brings the fact that such a notice has been issued to the attention of the telephone corporation or its collection agents:

(1) are posted to the customer's account on the day payment is received; or

(2) are processed in some manner so that suspension or termination will not occur.

(h) Additional notice required when payment by check is subsequently dishonored. The telephone corporation shall be required to make at least two attempts, one outside of normal business hours, to contact a customer within 24 hours

when the telephone corporation is in receipt of a subsequently dishonored negotiable instrument due to lack of funds,

provided that the customer previously has not submitted a dishonored check within the past 12 months. Upon reaching the

customer, the telephone corporation shall give him or her an additional 24 hours to pay the bill before suspension or termination of service.

§ 609.5 Suspension or termination of residential basic local exchange service--special procedures

This section provides special protections for residential customers regarding the suspension or termination and restoration

of basic local exchange service in cases involving medical emergencies, the elderly, blind or disabled.

(a) Medical emergencies. (1) No telephone corporation shall suspend, terminate or refuse to restore basic local exchange

service and any access determined by the customer's doctor to be necessary to reach the customer's doctor when a medical emergency exists, for which certification by a medical doctor or local board of health may be required, for nonpayment of monthly charges in an amount set by the commission; provided, however, that a demonstration of the customer's inability to pay charges for service may be required before a certificate of medical emergency can be renewed

pursuant to paragraphs (3) and (4) of this subdivision, unless the commission or its designee directs otherwise.

(2) A medical emergency exists when a resident of a customer's residence suffers from a serious illness or medical condition which severely affects the resident's well-being and the absence of such telephone service would create a serious

risk of inaccessibility of emergency medical assistance, assistance relating to medical care or professional advice.

An

inability to pay charges for service is demonstrated when a customer is unable to pay past due and current telephone bills

because of insufficient liquid assets and current income, considering other necessary and reasonable expenses of the customer such as food, shelter and medical expenses, which may be documented by provisions of the information required

in the form set in Appendix 17 of this Title or such other form approved by the commission.

(3) Certification. An initial certification of a medical emergency by a medical doctor or local board of health may be made by telephone and shall remain effective if written certification is provided thereafter to the telephone corporation

within five business days. A telephone corporation may require that any certification of a medical emergency shall be

submitted on stationery of the medical doctor or local board of health, shall be signed by the medical doctor or an official

of the local board of health qualified to make a medical judgment and shall state the name and address of the certifying

medical doctor or local board of health, the doctor's State registration number, the name and address of the seriously ill

person, the nature of the serious illness or medical condition, any service beyond basic local exchange services which may

be necessary to reach the customer's doctor because of the medical condition and an affirmation that the customer suffers

from a serious illness or a medical condition that severely affects the resident's well-being and that the absence of such telephone service would create a serious risk of inaccessibility of emergency medical assistance, assistance relating to medical care or professional advice. The certificate shall be effective for 30 days from the time the telephone corporation

receives an oral or written certification, whichever occurs earlier. In deciding whether the conditions for a medical emergency are met, the medical doctor or qualified official of the local board of health should use his or her best judgment.

A telephone corporation receiving an initial certificate shall promptly so notify the customer in writing and shall provide information on renewal of certificates, including the form set forth in Appendix 17 of this Title, or such other form

approved by the commission if the telephone corporation intends to make a determination concerning a customer's ability

to pay charges for service. The telephone corporation also shall issue a reminder notice on renewal of certificates seven

days prior to the expiration of the certificate.

(4) Certificate renewal. If the medical condition is likely to continue beyond the expiration of an initial certification, a certificate may be renewed, provided:

(i) a medical doctor or qualified official of the board of health states in writing to the telephone corporation the expected

duration of the medical emergency, and explains either the nature of the medical emergency or the reason why the absence of such telephone service would create a serious risk of inaccessibility of emergency medical assistance or

relating to medical care or professional advice; and

(ii) the customer demonstrates an inability to pay charges for service. A customer may be required, before the expiration

of the initial certification, to submit to the telephone corporation the information required in the form set forth in Appendix 17 of this Title, or such other form approved by the commission for the purpose of demonstrating an inability to

pay charges for service. A telephone corporation shall, within five days of submission of such information, determine

whether the customer's liquid assets and current income are insufficient to pay such telephone bills, considering other

necessary and reasonable expenses of the customer such as food, shelter, medical and other necessary expenses. Whenever

a telephone corporation determines that a customer has not demonstrated a financial hardship, it shall provide the customer with written notice of determination and the customer's right to review of the determination by the commission

or its authorized designee. A telephone corporation shall stay any suspension or termination activity pending its determination

on the customer's ability to pay and any review of such determination by the commission or its authorized designee.

A renewed certificate shall remain in effect for 30 days, provided that in cases certified as chronic by a medical doctor or qualified official of the local board of health, the renewed certificate shall remain in effect for 60 days or such

longer period as may be approved by the commission or its designee. The telephone corporation may require that the statement of financial hardship shall be completed and submitted to the telephone corporation whenever a certificate is

renewed.

(5) No telephone corporation shall suspend or terminate such service to a residential customer after the expiration of a certification of medical emergency or after the telephone corporation determines and the commission or its designee

concurs that the customer has an ability to pay charges for service without first sending the customer a final notice of

suspension or termination at least eight days prior to suspension of outgoing service and 20 days prior to the date of termination.



(6) While certification of medical emergencies remains in effect, customers shall remain liable for payment of telephone

service and shall make reasonable efforts to pay charges for such service. The authorized designees of the commission

shall be available to offer assistance to customers for working out equitable payment arrangements in order to avoid substantial arrearages at the end of a medical emergency.

(b) Customers who are elderly, blind or disabled. (1) No telephone corporation shall suspend or terminate or refuse to

restore service where a residential customer is known to or identified to the telephone corporation to be blind, disabled, or

62 years of age or older, and all the remaining residents of the household are 62 years of age or older, 18 years of age or

under, blind or disabled, without complying with the procedures specified in this subdivision. A person shall be considered

"disabled" if the person has a disability as that term is defined in the Human Rights Law (*Executive Law, section 292(21)*). A person shall be considered blind if the person has central visual acuity of 20/200 or less in the better eye with

the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered as having a central visual

acuity of 20/200 or less.

(2) In such cases, a telephone corporation shall not suspend or terminate service for an additional 20 days after the date of suspension or termination as stated on the notice and shall make a diligent effort to contact by telephone or in person if telephone contact is unsuccessful, an adult resident at the customer's premises at least eight days prior to the date

on which suspension or termination of service may occur for the purpose of devising a payment plan.

(3) In cases where service has been suspended or terminated and the telephone corporation subsequently learns that the customer is entitled to the protections established under this subdivision, the telephone corporation shall, within 24

hours of such notification, restore service for an additional 20 days and make a diligent effort to contact in person an adult

resident at the customer's premises for the purpose of devising a payment plan. A telephone corporation unable to contact

such person within 24 hours shall make reasonable efforts to achieve contact as soon as practicable.

§ 609.6 Voluntary third-party notice prior to termination of service

Every telephone corporation shall permit a residential customer to designate a third party to receive all notifications relating to suspension and/or termination of service or other credit notices sent to such residential customer, provided that

the designated third party agrees in writing to receive such notices. The telephone corporation shall inform the third party

that the authorization to receive such notices does not constitute acceptance of any liability on the third party for service

provided to the customer. The telephone corporation shall promptly notify the residential customer of the refusal or cancellation of such authorization by the third party.

§ 609.7 Reconnection of service

(a) A telephone corporation shall reconnect suspended or terminated basic local exchange service within 24 hours, unless prevented by circumstances beyond the telephone corporation's control or unless a customer requests otherwise, in

the following situations:

(1) receipt by the telephone corporation of the full amount of arrears for which service was suspended or terminated or upon the elimination of conditions that warranted suspension or termination of service;

(2) agreement by the telephone corporation and the customer on a deferred payment plan and the payment of a down payment, if required, under the plan;

(3) where a telephone corporation has notice that a serious impairment to health or safety exists and telephone service

is necessary to insure accessibility of emergency medical assistance, assistance relating to medical care or professional advice. Doubts as to whether reconnection of service is required for health or safety reasons shall be resolved in favor of reconnection; or

(4) upon the direction of the commission or its designee.

Comment: A telephone corporation may not insist upon payment of lawful charges that did not provide the basis for suspension or termination before restoring service under this subdivision. In these circumstances, payment of other lawful

charges that did not form the basis for the suspension or termination should be part of the deferred payment plan in accordance

with section 609.8 of this Part, unless the customer elects to pay such charge immediately.

(b) Whenever circumstances beyond the telephone corporation's control prevent reconnection of service within 24 hours of any of the events specified in subdivision (a) of this section, service shall be reconnected within 12 hours after

those circumstances cease to exist.

§ 609.8 Deferred payment agreements

(a) No telephone corporation shall suspend, terminate or refuse to restore or provide basic local exchange service to a

residential customer, who has been an existing residential customer for three months and for whom basic local exchange

service has not been terminated for nonpayment during that period because of arrears owed on such person's account,

unless it offers the customer a deferred payment agreement pursuant to this section. Customers with medical emergencies

and customers who are elderly, blind or disabled shall be exempt from such eligibility criteria. However, any such agreement shall not be available to any customer who the commission or its designee determines has the resources available to pay his or her bill. The offer of a deferred payment agreement shall specify the total amount of arrears, the

down payment, the installment payments and the time for making such payments. The telephone corporation shall mail to

the customer not less than six days prior to termination of service, a notice describing to the customer a deferred payment

plan which shall contain a conspicuous, bold-type notice that the customer may obtain the assistance of the commission in

reaching an agreement. Where service is already terminated pursuant to section 609.4 of this Part, such notice shall be

given at the time the customer requests reconnection. A new deferred payment agreement need not be offered to a customer

who is in default on an existing deferred payment agreement; provided, however, that such a customer may have his or her existing payment agreement renegotiated once within a 24-month period if he or she demonstrates that his or her

financial circumstances have changed significantly because of conditions beyond his or her control.

(b) A deferred payment agreement:

(1) shall obligate the customer to make timely payments of current charges for basic local exchange service together with payment of the amount deferred during the pendency of the agreement;

(2) shall be for total amounts up to \$ 150 but may be greater amounts if agreed to by the telephone corporation or directed by the commission or its authorized designee;

(3) shall be for a time period of no less than 5 months unless otherwise agreed to by the customer; and

(4) may require the customer to make a down payment which shall not exceed the lesser of one fifth of the amount deferred or three months of the customer's average billing for basic local exchange service plus the difference, if any,

between the total amount of arrears and the amount being deferred.

(c) Telephone corporations and customers should observe the following practices in developing the terms of deferred



payment agreements: payment of amounts deferred may be made on a weekly, monthly or longer basis, at the convenience

of the parties to the agreement. Telephone corporations must voluntarily offer plans with down payments of lesser amounts than allowed by subdivision (b) of this section when a customer cannot reasonably make a down payment equal

to the amount allowed by subdivision (b). Eligible customers may voluntarily waive their right to make a down payment

of not more than the amount allowed by subdivision (b) of this section, but telephone corporations cannot require or otherwise solicit customers to make such waiver. Amendments of payment agreements should, to the extent reasonable

and practical, reflect the changed circumstances of the customer.

(d) If the telephone corporation believes that a deferred payment agreement should not be offered because a customer

has the resources to pay his or her bill, it shall notify the customer and the commission or its designee in writing of the

reasons for its belief. The commission or its designee shall, in accordance with the complaint procedures set forth in section 609.16 of this Part, forthwith make a determination whether the customer has the resources to pay his or her bill. A

telephone corporation shall stay any suspension or termination activity, and restore or provide service pending the decision

on the telephone corporation's complaint by the commission or its authorized designee.

#### § 609.9 Residential basic local exchange service deposits

(a) No telephone corporation shall require any applicant or existing residential customer to post a security deposit as a

condition of receiving basic local exchange service unless the existing residential customer or applicant:

(1) is a seasonal customer or short-term customer;

(2) is an existing residential customer who has accumulated two consecutive months of arrears without making reasonable payment of such charges, defined as one-half of the total arrears, prior to the due date of the second bill, provided

that the telephone corporation requests such deposit within two months of such failure to pay. A local exchange carrier intending to require a deposit of an existing residential customer shall provide a customer written notice, including

the amount of the deposit, at least 10 days before it may assess a deposit, and state that the failure to make timely payment

of the arrears will permit the utility to require a deposit from such customer;

(3) has had basic local exchange service terminated for nonpayment during the preceding six months;

(4) has reportable charges with any other telephone corporation;

(5) does not give a telephone corporation with which he or she is applying for service permission to determine the existence of reportable charges or if the customer has been terminated for nonpayment during the preceding six months on

a previous or current account with other local telephone corporations subject to these regulations; or

(6) fails to provide reasonable proof of identity pursuant to section 609.3(a) (6) of this Part.

(b) Payment of deposit. If a telephone corporation requires a deposit from an existing residential customer or an applicant

for telephone service, it shall permit such customer to pay the deposit in installments over a period not to exceed six months.

(c) Exceptions to deposit authorization. (1) No telephone corporation shall require any person it knows to be a recipient

of public assistance, supplemental security income, or additional state payments to post a security deposit.

(2) No telephone corporation shall demand or hold a deposit from any applicant or existing residential customer it knows is 62 years of age or older unless such customer has had service terminated for nonpayment of bills within the

preceding six months. Telephone corporations shall permit an applicant or existing residential customer 62 years of age or

older to pay the deposit in installments over a period not to exceed 12 months.

(d) Deposit amounts. In any case where customer deposits are authorized by this section, the deposit amount shall not

exceed two times the average monthly bill for basic local exchange service for a calendar year in order to secure payment for basic local exchange services actually rendered or for the rental of fixtures, instruments and facilities actually supplied.

(e) Interest on deposits. Every telephone corporation shall allow every customer from whom a deposit is required interest on the amount deposited at a rate prescribed annually by the commission.

(f) Application of deposit to unpaid bill. Each telephone corporation holding customer deposits shall render to each depositor, when and as his or her deposit is applied to an unpaid bill or bills, a statement showing:

- (1) the amount of the deposit, together with the interest accrued thereon and the period covered thereby; and
- (2) the balance of the bill or bills remaining unpaid or the balance of the deposit and interest thereon remaining to the credit of the depositor.

(g) Refunds. (1) Each telephone corporation shall review the accounts of all existing residential customers who have made deposits at least annually. Each depositor, upon becoming entitled to a refund by reason of nondelinquency for one

year or upon ceasing to be a customer, shall receive his or her deposit and all interest thereon which has not been refunded

or credited against bills for service.

(2) The telephone corporation shall initiate such refund action and may request the payment of all bills for which such deposit is security.

(3) Any refund may be credited to the customer's account or, at the election of the depositor, the full refund shall be made to the depositor.

(4) For purposes of establishing a refund date when deposits are paid on an installment plan, the date will be the day of receipt of the first installment.

(h) Circular containing terms of deposit. Each and every telephone corporation holding customer deposits shall keep on hand for distribution to its customers a summary of the pertinent features of these requirements and shall inform customers from whom deposits are requested of its availability.

(i) Records. Each telephone corporation holding customer deposits shall keep adequate records with respect to each deposit.

#### § 609.10 Backbilling on residential accounts

No telephone corporation shall charge a residential customer for previously unbilled service or adjust upward a bill previously rendered when the period for the unbilled service or billing adjustment is more than 24 months prior to the

mailing of the bill or the upward billing adjustment for service to the residential customer unless the culpable conduct of

the customer caused or contributed to the failure of the corporation to render timely or accurate billing. If the customer is

liable for any service and the delay in billing was not due to the culpable conduct of the customer, the telephone corporation

shall explain the reason for the late billing and shall advise the customer that suspension/termination of service is not permitted for nonpayment of charges billed in excess of six months after the service was provided and that

payments may be made under an installment payment plan. Any such installment plan must be consistent with a customer's ability to

pay and for a reasonable period of time that shall not be less than one month for each month represented by the late-billed

charges, unless otherwise agreed to by the customer. If requested by the customer, the explanation for the late billing and

the installment payment plan will be provided in writing. An adjustment to increase previously rendered bills more than

six months after the time service was provided shall be made within four months of the final resolution of the billing dispute.

#### § 609.11 Adjusted payments and other charges



(a) Adjusted payment schedule. Every telephone corporation shall offer residential customers on fixed incomes the opportunity to pay their bills on a reasonable schedule that is adjusted for such customer's periodic receipt of income.

(b) Other charges. No telephone corporation may charge any residential customer a late-payment charge, penalty, fee, interest or other charge of any kind without the approval of the commission for any late payment, collection effort, service termination or deferred payment agreement occasioned by the customer's failure to make timely payment for services.

Nothing in this section shall prohibit a telephone corporation, with the approval of the commission, from imposing a reasonable charge, not in excess of its costs, pursuant to its tariff for restoral of service, dishonored checks and other lawful purposes.

#### § 609.12 Contents of bills

Each telephone corporation's bill to a residential customer shall provide, in clear and understandable form and language:

(a) the name, address and account number of the customer, the name of the telephone corporation, the telephone number of the telephone corporation's business office which may be contacted to discuss the bill, amount owed for the

latest period, the date by which payments for the latest period may be paid without a late-payment charge, the late-payment charge for late-paid bills, if any, credits from past bills, any amounts owed and unpaid from previous bills,

and credits and charges which are adjustments to past bills due to service and/or rate increases; and

(b) a statement of how the bill may be paid; and

(c) an itemized listing of the services being subscribed to, and their monthly rates. An identification of those services which are not necessary for basic service shall be included with each new customer's first bill, each existing residential

customer's first bill after a change in service and semiannually for all customers. New customers will be allowed 60 days

to change their type or grade of service, or both, and to cancel any optional nonbasic services without incurring any cancellation or nonrecurring charges other than the original service connection and monthly charges for the period service

was used. Nothing in this section shall preclude a telephone corporation from providing pertinent messages and information

on the bill, provided such information does not interfere with the presentation of the information required by this section.

#### § 609.13 Notification requirements

(a) Annual notification of rights. Every telephone corporation shall, at the time service is initiated to a residential customer and at least annually thereafter, provide residential customers with a plain language summary of their rights and

obligations under this Part, or inform customers that such a summary is available and how it can be obtained from the

company. At a minimum, the summary shall include the following:

(1) a description of the complaint-handling procedures available at the telephone corporation and the commission:

Comment: Such notice shall clearly state the means by which a complaint can be made to the company and shall also

advise the customer that, if after contacting the telephone corporation, the customer remains dissatisfied, he or she may

contact the New York State Public Service Commission. Such notice shall further state that the Public Service Commission

has a staff available to give assistance in such matters, and shall also specify an appropriate address of the Public Service Commission.

(2) the rights and obligations of residential customers relating to payment of bills, termination of service and reconnection

of service;

(3) a description of special protections afforded the elderly, blind, and disabled, and persons with medical emergencies;

(4) a request that residential customers who qualify for the protections referred to in Section 609.5(b) voluntarily so inform the utility;

(5) the right of a customer to designate a third party to receive copies of all notices relating to suspension and/or termination of service or other credit notices;

(6) appropriate forms that customers claiming the protections of section 609.5 of this Part may fill out and return; and

(7) a description of the customers' rights in regard to deferred payment plans and the holding and demanding of security deposits by the telephone corporation.

(b) Notices in telephone directories. The opening pages of each directory published by the telephone corporations shall contain a conspicuous notice advising customers that, should any utility fail to resolve their complaints regarding

service or billing disputes to their satisfaction, they may refer their problems to the Consumer Services Division of the

New York State Public Service Commission and the appropriate address and telephone number for the Public Service

Commission's Consumer Services Division.

(c) Billing information in non-English language. Every telephone corporation providing service to a county where, according to the most recent Federal census, at least 20 percent of the population regularly speaks a language other than

English, shall include in its telephone directories in such county a notice in both English and such other language which

describes the contents of the telephone corporation's bill. At least once a year, every telephone corporation shall mail to all

residential customers in such county a notice in both English and such other language spoken regularly by at least 20 percent of the population in such county, which describes the contents of the telephone corporation's bill.

#### § 609.14 Emergency disconnections of residences

A telephone corporation may disconnect service to a residence when an emergency may threaten the health or safety of

a person, a surrounding area or the telephone corporation's distribution system. The telephone corporation shall act promptly to assure restoration of service as soon as feasible. Service shall be restored to any residence before it may be

terminated for any other reason.

#### § 609.15 Inspection and examination of telephone corporation apparatus

(a) A duly authorized agent of the telephone corporation may enter any dwelling, building or other location supplied with service by the telephone corporation for the purposes of inspecting and examining the wires and other apparatus

furnished by the telephone corporation and leased by customers for ascertaining any service-affecting problems on a nonholiday workday between 8 a.m. and 6 p.m., or at such other reasonable times as requested by a customer. At such

time, the agent shall exhibit a photo-identification badge signed by the president or vice-president of the telephone corporation.

(b) The provisions of subdivision (a) of this section shall not apply to the inspection and examination of any such equipment where an emergency may threaten the health and safety of a person, the surrounding area, or the telephone

corporation's distribution system.

(c) An agent of the telephone corporation otherwise duly authorized to inspect and examine apparatus, may not enter locked premises without the permission of the person lawfully in control on the premises, nor use any manner of force to

carry out inspection and examination, except when an emergency may threaten the health or safety of a person, the surrounding

area, or the telephone corporation's distribution system, or where authorized by a court order.

#### § 609.16 Telephone corporation complaint-handling procedures

Customer complaints about bills for telephone service deposit requests or other service problems shall first be made to



the telephone corporation. The telephone corporation shall allow complaints to be accepted and processed in a simple manner and form. Every telephone corporation shall promptly investigate any complaint in a fair manner and report the results to the complainant. If the report of the investigation is made orally, the telephone corporation shall provide the complainant, upon request, the report in writing. If the complainant requests the report in writing, the telephone corporation shall send such report in writing within five business days after the request by the complainant. In the event the corporation is unable to give an oral report due to the unavailability of the complainant, either a letter requesting the customer to call the telephone corporation or a written copy of the report shall be sent to the complainant no later than two business days after the results of the investigation are determined. If a letter requesting the customer to call is not responded to by the customer in five business days, a written copy of the report shall be sent to the complainant no later than the seventh business day after such letter was sent to the customer. A telephone corporation resolving a complaint in whole or in part in its favor shall inform the complainant of the availability of the commission's complaint-handling procedures, including the commission's address and telephone number. A telephone corporation shall refrain from suspending or terminating service for nonpayment during the pendency of a complaint before the telephone corporation or the commission and for 15 days after resolution by the telephone corporation, or by the commission or its authorized designee, unless otherwise provided by the commission or its authorized designee; provided, however, that as a condition of continued service during the pendency of such dispute, a customer shall pay the undisputed portions of any bill for service.

#### § 609.17 Waiver

Unless otherwise precluded by the Public Service Law or other applicable law, the commission may, for good cause shown or upon its own motion, waive any requirement of this Part.

#### § 602.1 Definitions

The following definitions apply to Part 602, Consumer Relations, and Part 603, Service Standards Applicable to Telephone Corporations:

- (a) Service Provider - A telephone corporation certified in New York State with the authority and tariff to provide local exchange service using either its own or leased facilities.
- (b) Basic Local Service - The provision of access to: one party line service, local/toll calling, local usage, tone dialing, emergency services, assistance services, telecommunications relay services, directory listings, privacy protections and non-published service associated with the public switched network.
- (c) Local Exchange Service - Any form of switched telecommunications provided within a defined geographic area known as the local calling area.
- (d) Customer Service Center - Any functional entity where consumers can initiate communication with the service provider for installation, billing, repair, operator and other services.
- (e) Access Line - A telecommunications channel of varying size with an associated telephone number.
- (f) Business Office - Any functional entity which accepts service orders, billing inquiries and/or provides consumer information.
- (g) Repair Office - Any functional entity which receives trouble reports.
- (h) Trouble - A trouble is an impairment of the telephone network, or a deviation from its design specifications.
- (i) Customer Trouble Report - The record of when the repair office personnel receives notification of a trouble or perceived trouble by a subscriber, third party, or employee acting as a subscriber or when other employees receive notification of a trouble or perceived trouble by a subscriber, third party, or employee acting as a subscriber and refers the report to the repair office.
- (j) Initial Report - The first customer trouble report associated with a specific trouble for which there is no pending report.

(k) Out-Of-Service - A classification of a trouble report where the customer indicates either: (1) an inability to complete incoming or outgoing calls; or (2) the presence of interference which causes connected calls to be incomprehensible.

Other service difficulties (slow dial tone, busy circuits, etc.) shall not be considered out-of-service conditions.

(l) Service Affecting - All trouble reports not categorized as out-of-service will be considered service affecting.

(m) Final Trunk Group - The last choice group of common interoffice communications channels for the routing of local, operator and/or toll calls.

(n) Operator Assistance - The act of providing a consumer with help in placing a call including collect, third party billed, person-to-person and emergency calls.

(o) Answer - The point in time when a call has been delivered to a representative who is ready to render assistance and/or accept the information necessary to process the call. An acknowledgment that the customer is on the line does not

constitute an answer.

(p) Subsequent Report - Any customer trouble report that is received prior to the closing of its associated initial report.

#### § 602.2 General Provisions

As indicated by their wording, a number of regulations in this Part prescribe the normal procedures and practices to be

directed in good faith by the service provider. However, the regulations in this Part are not intended to govern the implementation

of such procedures in individual instances. The execution or nonexecution of such procedures and practices in individual instances is not the sole indicator of whether the service provider has provided adequate service to a particular

consumer or group of consumers.

#### § 602.3 Customer Service Centers

(a) Service providers shall ensure that customers have convenient access, by a toll free telephone number or in person, to customer service centers.

(b) In instances where automated responses are used to handle billing or repair issues, service providers shall configure

their menu system such that a consumer is able to be routed to a representative for billing or repair issues within 60 seconds from the time the automated response begins. In addition, service providers may use additional means of access

(e.g., the Internet) that are not subject to this provision.

(c) Service providers shall provide notice to their customers and to the public as to the means of contacting their customer service centers by notice on the bill and other appropriate means.

(d) Customer service centers ordinarily shall be accessible to consumers during the normal working hours in the community being served and at such other times and in such other places as may be warranted in Sections 602.6(d) and

602.7(b).

(e) Service providers shall strive to provide trained and qualified customer contact personnel.

#### § 602.4 Public Information

Access to the following information shall be made available upon request:

(a) Rate information applicable to the area served by the service provider, as provided by Part 630 of this title.

(b) Where a provider's rates are based upon rate area boundaries, maps, listings or other formats used by the provider

showing rate area boundaries sufficiently detailed that mileage or zone charge can be determined.

(c) Information pertaining to changes in services and rates as proposed in an informational filing or a pending tariff or rate filing.

(d) Upon receipt of a request from a consumer for copies of the above described information, the service provider will

provide a single copy of the information requested, up to 25 pages, without charge.

#### § 602.5 Service Orders

(a) Service providers shall receive and respond to applications for tariffed services in a timely manner. Upon the request



of a consumer, each service provider shall provide an explanation of the rates, charges and provisions applicable to the services available, respond to questions the consumer may have, and provide additional appropriate information to

assist the consumer in obtaining the communication service(s) that meet the consumer's needs.

(b) Where special charges for extraordinary construction, maintenance, replacement costs, expenses or overtime work are not specifically set forth in a service provider's tariff, the consumer will be advised of the options available.

If the

service provider is to perform any such work for a special charge, the service provider shall offer the customer the option

of accepting a good faith estimate of the charge to be levied, or of being billed on an actual cost basis. Once an estimate is

accepted by the customer it will become binding on both parties, and the customer pays the estimated charge whether the

actual cost is greater or less than the estimate.

(c) Service providers shall notify customers of connection fees and provide an estimated first bill, not reflecting usage

charges, prior to processing the customer's request.

(d) Each service provider shall inform new residential customers of a 60 day grace period whereby such consumer may select a different type of basic local flat rate service or basic local measured rate service from that provider without

incurring any additional connection or installation charges for basic local service. A grace period applies only when the

consumer actually incurred an installation charge for basic local service.

(e) (1) Normally, the service provider shall offer a consumer applying for its initial basic local exchange service an installation appointment interval (e.g., the period of time that a premise visit is to take place) within five working days.

(2) After such an offer, the consumer may nonetheless agree to other terms that better meet the needs of the consumer

and the provider (e.g. installation appointments for either morning or afternoon).

(3) Prior to an appointment, arrangements to access a necessary third party's premises shall be discussed with the consumer.

(f) Normally, when a service provider cannot meet a commitment date to complete an order, the provider shall make a reasonable effort to advise the applicant of the reason for the delay, and probable date service will be provided.

#### § 602.6 Billing

(a) Service providers shall clearly list all charges and credits on customers' bills, which shall be issued monthly unless

provided otherwise by tariff. Local service charges may be billed one month in advance and may be listed as a single flat

fee. All toll charges shall be itemized to allow consumer identification unless provided otherwise by tariff.

(b) Credit shall be granted for any call for which a charge applies when the consumer has reported that a wrong number was reached or for that portion of a call the consumer has reported as inadequate for communication, unless there

is reason to believe that an adequate connection to the desired party was effected.

(c) Service providers shall require that agents authorized to receive bill payments on their behalf normally mail or report consumers' payments within one business day.

(d) Service providers shall have a representative available for the purpose of explaining charges on bills and to adjust

bill errors.

(e) Upon reasonable consumer request, each service provider shall provide itemized statements of charges, if feasible,

and if a customer disputes a bill, available call detail bill information shall be provided at no charge. However, requests for

detailed bill information normally bulk billed may be provided at an additional charge pursuant to tariff.

#### § 602.7 Consumer Complaints and Trouble Reports

(a) Service providers shall provide full and prompt investigation of complaints, oral or written, received either through

normal reporting channels or through the Commission, and appropriate responses shall be made with respect to complaints.

(b) Service providers shall have a representative available to receive customer trouble reports at all hours.

(c) Troubles of an emergency nature shall be cleared at all hours, consistent with the bona fide needs of consumers and the personal safety of service provider personnel.

(d) All other out-of-service troubles not requiring unusual repairs shall normally be cleared within 24 hours excluding Sundays and holidays.

(e) Commitments made with consumers should be kept. In the event of unavoidable change by the service provider, such as if unusual repairs are required, or rehabilitation programs or other factors preclude clearing of reported trouble

promptly, reasonable attempts shall be made to notify the customer as to when the trouble will be cleared.

(f) During major service outages of extended duration, the service provider shall make every effort to inform the general public of the details of the outage, including the areas affected and a schedule for expected service restoration. Whenever reasonable and practical, affected offices shall be intercepted and callers advised that a service outage has taken

place, in accordance with accepted industry standards.

(g) All local service providers shall assist consumers reporting obscene, threatening or harassing calls, to help in eliminating such calls.

#### § 602.8 Operator Services

(a) Each service provider shall provide access from its exchanges at all hours to local assistance operators who shall be

capable of connecting calls to appropriate emergency services and/or other operator services normally provided by local

exchange companies or their designees, if the service provider is responsible for handling the call.

(b) All telephone corporations, either individually or in concert with other telephone corporations operating within the State, shall be responsible for insuring the provision of a relay system to enable communications between persons with

hearing or speech disabilities, who use non-voice terminal devices, and persons of normal hearing and or speech who use

conventional telephones. The system shall operate on a 24-hour basis. All telephone corporations shall provide annual

notice to advise customers of this service. Pertinent information regarding the relay system shall be included in telephone directories.

(c) All service providers shall provide network overflow to local operators on all originating trunking that carries emergency calls destined for Enhanced 911 emergency report centers. Each such call overflowing to the operator shall be

identified as an emergency call, and the operator shall have Automatic Number Identification on the telephone line used

by the calling party. As an alternative to provision of overflow to the operator on an originating basis, service providers

may install originating trunking from end offices to Enhanced 911 emergency report centers in such a manner that blocking on such trunks is engineered for less than half the normal blocking design of the public switched network.

On a

terminating basis from the last central office to the emergency report center, overflow to the operator (including Automatic

Number Identification and an indication that the call was originally destined for an emergency center) shall always be provided.

#### § 602.9 Intercept

(a) Intercept shall consist of operator intercept or a suitable recorded announcement, providing sufficient information

to callers to indicate the reasons for being intercepted as well as directions to assist them in completing the call.

(b) The service provider shall normally provide intercept service for the following minimum periods:

(1) In case of a customer-initiated residence number change, either sixty days or the remaining life of the normal



alphabetical directory (including local directories), published by the serving service provider or on its behalf, in which the

old number appears plus thirty days, whichever is shorter.

(2) In case of customer-initiated business number change, either sixty days or the remaining life of the normal alphabetical

directory (including local directories), published by the serving service provider or on its behalf in which the old number appears plus thirty days, whichever is shorter.

(3) In case of a company-initiated number change, one hundred and eighty days or the remaining life of the normal alphabetical directory (including local directories), published by the serving service provider or on its behalf, in which the

old number appears plus thirty days, whichever is longer. If at the time of change the new number is noted in all of the

aforementioned current directories, intercept will be provided for thirty days.

(c) Service providers shall strive to update intercept records within 24 hours of a number change.

(d) Each service provider shall provide intercept on calls to non-working numbers, codes, vacant levels, etc., where reasonable and practical.

(e) The local service provider shall not impose charges for intercepted calls.

#### § 602.10 Directories

(a) All service providers shall publish directories, or cause their numbers to be published. Directories shall be regularly

published at approximately yearly intervals. The interval between directories shall not exceed 15 months without express

Commission approval. The form of directories shall ordinarily conform to the following criteria:

(1) A directory shall be in such form and list such information, as will permit the numbers of local exchange customers

in the area covered by the directory to be obtained, except for public telephones and numbers unlisted at a customer's request.

(2) Information pertaining to emergency calls to such agencies as the police and fire departments shall appear conspicuously

in the opening pages of the directory.

(3) Instructions concerning the placing of local and long distance calls, shall appear conspicuously in the opening pages of the directory. This section shall include access codes that can be used for placement of long distance calls, for

those interexchange carriers agreeing to have their codes published. Directories will also include a telephone number for

contacting each local service provider that serves the area covered by the directory at no additional cost to the service

provider being listed.

(4) The introduction to the directory shall instruct customers to call the local service provider from which they receive

service for information on billing, party lines, annoyance call procedures, emergency calling procedures and how to obtain tariff information.

(b) Each service provider shall distribute at no charge to its customers within a local exchange area, a copy of the local exchange directory for that area, and one additional copy shall be provided for each working telephone number upon

request. A copy shall be filed with the Commission.

(c) A service provider shall furnish its directory databases to all directory assistance service providers on terms and conditions no less favorable than the service provider furnishes such databases to its own or affiliated directory assistance

service operations.

(d) In the event of an error in a number published in the directory, the service provider shall intercept calls to the published number for the life of the directory where such number is not already in service. Where the published number is

in service, the party served by it shall be given appropriate transfer information, and also the opportunity for a number

change (at no charge). In that event, the normal practice shall be to place the published number on intercept, for the life of

the directory listing plus 30 days.

(e) Reasonable advance notice shall normally be given to the consumers affected when a service provider has caused to change a large group of numbers, even if such changes coincide with a directory issuance.

#### § 603.1 General Provisions

(a) This part shall apply to telephone corporations that provide local exchange service.

(b) As indicated by their wording, a number of the regulations in this Part prescribe the normal procedures and practices to be directed in good faith by the service provider. However, the regulations in this Part are not intended to

govern the implementation of such procedures in individual instances. The execution or non-execution of such procedures

and practices in individual instances is not the sole indicator of whether the service provider has provided adequate service

to a particular consumer or group of consumers.

(c) The standards set forth herein relate to the quality of service under normal operating conditions. They do not establish a level of performance to be achieved during periods of emergency, catastrophe, natural disaster, severe storm or

other events affecting large numbers of consumers nor shall they apply to extraordinary or abnormal conditions of operation,

such as those resulting from work stoppage, civil unrest, major transportation disruptions or other events beyond a service provider's control.

#### § 603.2 Measurements

(a) Service providers shall gather accurate data consistent with the definitions contained in Section 602.1 for those measures indicated by subsection 603.4(c) and:

(1) keep performance records and retain them as specified by Part 651 for each entity level as defined in subsection 603.3 and maintained in a manner that permits audit by Commission staff, and

(2) measure answer time performance as defined in subsection 603.3, for customer service centers that receive a monthly average of more than 275 calls per working day for three consecutive months. Excluded from this provision is

any group of specialized business account representatives established to address the needs of a single large business customer, or a small group of such customers.

#### § 603.3 Metrics and Performance Thresholds

(a) This section sets forth the metrics and performance thresholds that each service provider is expected to meet or exceed related to maintenance service, installations, network performance and answer time.

(b) (1) Customer Trouble Report Rate. This is composed of two metrics. The first metric is defined as the number of initial customer trouble reports per hundred access lines per month and has a performance threshold of 5.5 or less for each

central office. The second metric is applicable to service providers with 7 or more central offices, and is defined as the

percentage of a service provider's total central office entities that perform at or below 3.3, and has a performance threshold

of at least 85%.

(2) Reports included in the Customer Trouble Report Rate are limited to troubles associated with the regulated components of residential, business, Centrex and pay telephone service of the service provider's customers, and also includes all regulated features associated with these services except voice mailboxes.

(3) Customer trouble reports received as a result of any network failure are included in the report rate.

(4) Separate trouble reports should be recorded and included in the customer trouble report rate for multiple-line customers, for each access line identified by the customer.

(c)(1) Percent Out-Of-Service Over 24 Hours. This metric is defined as the monthly percentage of customer trouble reports classified as out-of-service which are not cleared within 24 hours. The performance threshold for each maintenance

administrative entity is 20% or less.

(2) Only trouble reports included in the customer trouble report rate shall be used to determine the percent



out-of-service over 24 hours.

(d) (1) Percent Service Affecting Over 48 Hours. This metric is defined as the monthly percentage of customer trouble reports classified as service affecting which are not cleared within 48 hours. The performance threshold for each

maintenance administrative entity is 20.0% or less.

(2) Only trouble reports included in the customer trouble report rate shall be used to determine the percent service affecting over 48 hours.

(e) Percent Initial Basic Local Exchange Service Line Installations Completed Within Five Days. This metric is defined

as the monthly percentage of initial basic local exchange service line installations completed within five working days (following the day the order is received) and has a performance threshold of 80.0% or greater for each installation

administrative entity. This provision shall apply to the primary installation of service as follows: (i) the initial residential

line; or (ii) the initial business customer order of five lines or less.

(f) (1) Percent Installation Commitments Missed. This metric is defined as the percentage of installation commitments

missed per month and has a performance threshold of 10.0% or less for each installation administrative entity.

(2) A missed installation commitment occurs when initial basic local exchange service is not provided to the consumer's

interface on or before the end of the day of the appointment interval with the customer except when due to consumer fault or other condition as defined in subsection 603.3(f)(3).

(3) For purposes of this Section, the terms Consumer Fault and Other are defined to include the following:

(i) Consumer fault occurs when during the appointment interval, the consumer is not ready, there is not access to or there exists unsafe conditions at the consumer's premises, or on or before the commitment date the consumer requests a

later date.

(ii) Other circumstances such as set forth in subsection 603.1(c) or the need to reassign a significant portion of the service provider's installation work force in order to re-establish service to existing customers who lost service as a result

of circumstances set forth in subsection 603.1(c).

(g) Percent Final Trunk Group Blockages. This metric is defined as the monthly percentage of blocked calls on any local, toll and local operator final trunk groups and has a performance threshold of 3.0% or less for each final trunk group.

(h) (1) Business Office Answer Time. This metric is defined as the monthly percentage of consumer calls of the business office answered within 30 seconds. The performance threshold for each administrative entity is 80.0% or greater.

(2) Calls answered, 15% of calls abandoned, and 10% of calls blocked or routed to an intercept message are to be included when determining the total number of calls to be answered.

(i) (1) Repair Office Answer Time. This metric is defined as the monthly percentage of consumer calls for repair office service answered within 30 seconds. The performance threshold for each administrative entity is 80.0% or greater.

(2) Calls answered, 15% of calls abandoned, and 10% of calls blocked or routed to an intercept message are to be included when determining the total number of calls to be answered.

(j) Operator Assistance Answer Time. Service providers may elect to report operator assistance answer time under either (i) or (ii) below.

(i) This metric is defined as the monthly percentage of calls for operator assistance service answered within 10 seconds. The performance threshold for each administrative entity is 90.0% or greater.

(ii) This metric is defined as the monthly average speed of answer of calls for operator assistance. The performance threshold for each administrative entity is 3.0 seconds or less.

(iii) For purposes of calculating performance under (i) above, count those calls answered, 15% of calls abandoned, and 10% of calls blocked or routed to an intercept message when determining the total number of calls to be answered.

(k) The following table summarizes the foregoing metrics and performance thresholds.

PERFORMANCE

THRESHOLD

METRIC (Monthly)

Maintenance Service:

Customer Trouble Report Rate (Initial Reports) per individual central office entity 5.5 or less

Percentage of total entities (for those providers with 7 or more offices) 3.3 or less 85.0 or more

Percent Out-of-Service Over 24 Hours 20.0 or less

Percent Service Affecting Over 48 Hours 20.0 or less

Installation Performance:

Percent Initial Basic Local Exchange Service Line Installations Completed Within 5 Days 80.0 or greater

Percent Installation Commitments Missed 10.0 or less

Network Performance:

Percent Final Trunk Group Blockages 3.0 or less

Answer Time Performance:

Business Office Answer Time % Answered within 30 sec. 80.0 or greater

Repair Office Answer Time % Answered within 30 sec 80.0 or greater

Operator Assistance Answer Time % Answered within 10 sec 90.0 or greater

Average Answer Time in sec. 3.0 or less

§ 603.4 Reporting Requirements

(a) The Director of the Office of Communications shall issue guidelines prescribing the format, content and reporting

times (except where otherwise prescribed herein) of each of the reports required pursuant to this Part. The Director's guidelines shall be reasonable, practical, give due consideration to the format of the reports utilized by the service providers

in the operation of their business, and be subject to de novo review by the Commission in the event of a dispute.

(b) Each report shall arrive at the Commission office no later than 30 days following the end of the report period (or such shorter interval as may be reasonable and practical and agreed upon between the Director of the Communications

Division and the service provider).

(c) Unless otherwise specified by the Director of the Communications Division, the following terms for service performance shall apply:

(1) Service providers with 500,000 or fewer access lines in service shall only report on Customer Trouble Report Rate.

(2) Service providers with over 500,000 access lines in service shall report on all of the service metrics of Subsection

603.3.

(d)(1) For all the service quality metrics subject to reporting under Subsection 603.4(c) except Customer Trouble Report Rate and Percent Final Trunk Group Blockages, whenever a performance measure is not at or better than the performance threshold for the current month and any two of the previous four months, a service provider shall automatically

submit to the Commission staff a Service Inquiry Report, as defined in Subsection 603.4(e).

(2) For Customer Trouble Report Rate, a service provider shall automatically submit to the Commission staff a Service Inquiry Report whenever an individual central office entity experiences 5.5 reports per 100 lines or greater for the

current month and any two of the previous four months, or if a service provider has 7 or more central offices and less than

85% of its central office entities experience 3.3 reports per 100 lines or less for the current month and any two of the previous four months.

(3) For Percent Final Trunk Group Blockages, a Service Inquiry Report shall automatically be filed whenever performance

is not at or better than 3.0 percent for three consecutive months.

(4) In addition, Commission staff may request a Service Inquiry Report where deemed appropriate.

(e) A Service Inquiry Report means a report which provides an explanation for the condition giving rise to the report,

where readily determinable, and the number of consumers affected. It shall further include plans for corrective action

including expectations of restoring service to adequate levels, or an explanation of why the corrective action details do not



apply in this specific instance. The report shall be filed within 21 calendar days of a qualifying event as defined in Section

603.4(d). Addenda will be made to the report as necessary if the reporting service provider identifies important additional

information and/or substantially modifies its corrective action plan as described in the Report.

(f) A service provider may request an exemption from any or all of the reporting requirements of Section 603.4, if that

provider can demonstrate that the services are provided through the resale of another service provider's tariffed services or

purchase of another service provider's Unbundled Network Elements (UNEs) over which it has no direct control. The

Director of the Office of Communications will grant or deny such exemption requests on a case-by-case basis.

#### § 603.5 Service Interruptions

(a) Each service provider shall establish and implement procedures regarding the construction, operation, and maintenance

of its network, which are intended to minimize service failures, cable cuts, sudden increases in traffic, employee absences, fires, severe storms, and floods and which are intended to maintain, to the extent practical and reasonable, continuous operation of its service in the event of commercial power loss, except where such power is provided by the consumer.

(b) In executing section 603.5(a), each service provider is expected to:

(1) Maintain emergency contingency plans designed to assist personnel to prepare for emergencies, perform repairs and service restorals in the aftermath of such events, and assess company performance and identify opportunities for improvement after conditions have been normalized. An original copy of each service provider's emergency contingency

plan and any subsequent updates shall be filed with the Director of the Office of Communications. The names and telephone

numbers of individuals and any information which, in the opinion of the service provider, could compromise its ability to protect the network against vandalism, terrorist acts, or other potential threats to the network, may be redacted

from the copies of the emergency contingency plans and updates filed with the Director of the Office of Communications

pursuant to this Section.

(2) Report major service interruptions to Commission staff per guidelines issued by the Director of the Office of Communications pursuant to Subsection 603.4(a).

(3) Be guided by accepted industry guidelines and best practices, such as the findings and recommendations of the FCC's Network Reliability Councils, relating to fiber optic, signaling, switching, digital cross- connect and power systems,

911, fire prevention, mutual aid and restoration, performance, interconnections, changing technologies, emergency communications, and other topics related to network reliability.

(c) In the event that service must be interrupted for purposes of working on the lines or equipment, the service provider's

work scheduling procedures shall provide that an attempt be made to do the work at a time which will cause minimal

inconvenience to consumers and, where reasonable and practical, to notify consumers in advance of the interruption. The service provider's procedures shall make provision for the availability of required emergency services for the duration of the interruption.

(d) On lines that have been voluntarily suspended or temporarily suspended for non-payment, access should continue to be provided to emergency services such as 911 or to an operator for emergency calling during the suspension period.

#### § 605.1 Common carriage

Pursuant to the Public Service Law and the commission's authority and jurisdiction, the rules set forth in this Part establish certain standards and obligations applicable to telephone corporations operating as common carriers.

(a) Definitions. (1) Common carrier means a corporation that holds itself out to provide service to the public for hire to provide conduit services including voice, data, or video by electrical, electronic, electromagnetic or photonic means.

(2) Conduit means the facilities, functions, or media used for providing electric, electromagnetic, electronic, or photonic transmission of communications, including voice, data or video.

(3) Conduit services means the provision of conduit or functions integrally related to the provision of conduit.

(4) Content means the information or intelligence transmitted over a conduit. Information used solely for the provision of a communications "conduit" is not "content."

(5) Content services means those services offered over common carrier conduits, including, but not limited to, point to multi-point connections, which provide content, employ computer processing applications that act on the format, code, protocol or similar aspects of transmitted content; provide additional, different, or restructured content; or involve user interaction with stored content.

(6) Blocking means the ability to prevent the completion of a telephonic communication to a specified telephone number.

(b) General applicability. (1) These rules are applicable to telephone corporations operating as common carriers, and, except as waived or otherwise stated, shall apply to such corporations.

(2) These rules shall not apply to:

(i) cable television services provided by cable television operators exempted from common carrier regulation under 47 U.S.C. 541(c).

(ii) the provision of content services.

(c) Waivers. Where the commission determines that it is in the public interest, it may, for services or types of carriers, waive any portion of these rules.

#### § 605.2 Availability of services

(a) General requirements. Telephone corporations operating as common carriers must provide publicly offered conduit services on demand to any similarly situated user on substantially similar terms, subject to the availability of facilities and capacity. Such services shall be provided by a telephone corporation on a first-come, first-served basis unless a party is able to show in a timely fashion that such provision would be unreasonable or unless otherwise ordered by the commission. Additionally:

(1) conduit services shall be made available as services separate from the provision of content;

(2) interconnection into the networks of telephone corporations shall be provided for other public or private networks; and

(3) segregable services and functions requested by users shall be provided to the extent technically and economically practicable.

(b) Restrictions on network use. No telephone corporation operating as a common carrier shall unreasonably restrict lawful network. No restriction may impede access between a content service provider and a willing customer, except where required by law. All restrictions shall be administered in a least restrictive fashion.

(1) Requirements by telephone corporations on users for prior subscription to a particular content services will generally be permissible only where requested by the provider of the service, or required by law, or where a waiver is granted.

(2) End-user initiated blocking shall always be available for content services, to the extent technically and economically feasible.

(c) Video conduit services. To the extent that a telephone corporation may provide video conduit services, it may do so only so long as it provides adequate capacity to content service providers seeking its video conduit services, and treats all users in a nondiscriminatory fashion.

(d) Individualized contracts. Where permitted by the commission, individualized contracts may be offered by telephone corporations operating as common carriers, so long as similarly situated customers are provided, upon request, service upon substantially similar terms. Such contracts may not be used to avoid common carrier obligations.

#### § 605.3 Carrier involvement with content

(a) General requirement. No telephone corporation operating as a common carrier shall exercise control or influence over the content of lawful communications tendered to it for distribution. In turn, it has no liability for the content of tendered communications. This does not diminish a telephone corporation's duty to provide service of adequate transmission quality, capacity and timeliness.

(b) Safeguards against abuse. Telephone corporations operating as common carriers shall make reasonable efforts to inform each content service provider, serving the public at large, of the need for safeguards against abuse of its service, appropriate to the nature of the service and the cost and difficulty of such safeguards. In addition, they shall incorporate in the tariffs or contracts pursuant to which services are made available to information providers, a requirement that such providers adopt and apply procedures reasonably designed to provide safeguards against such abuse, including, but not



limited to, the provision of information concerning complaint mechanisms.

(c) Availability of blocking. Telephone corporations shall make available, once technically and economically feasible, facilities giving end-users the ability to block (or delegate the blocking of) individual content services. Until such time that such blocking is readily available, it shall be permissible for telephone corporations to designate particular special interest central office codes which can be blocked at the subscriber's request. Inclusion in such central office codes shall be left to self-selection by the content service provider with independent arbitration and due process protections in the event of a dispute. Such special interest central office codes should be treated nondiscriminatorily, with respect to terms and conditions of services.

## **FCC 47 C.F.R. Part**

### **§8.3 Transparency.**

A person engaged in the provision of broadband Internet access service shall publicly disclose accurate information regarding the network management practices, performance, and commercial terms of its broadband Internet access services sufficient for consumers to make informed choices regarding use of such services and for content, application, service, and device providers to develop, market, and maintain Internet offerings.

## Chazy & Westport Telephone

### Functionality in Emergency Situations for both voice and broadband

Chazy & Westport Telephone has Automatic Back-Up Generators at both of our Central Offices in the event of a Commercial AC Power failure. These generators do a weekly test under load for 30 minutes. We also have a generator on wheels that can be used in the event of one of our back-up generators fails. We have 16 Remotes with 10 portable generators we are working towards a one to one ratio.

Our Central Offices both have Fiber Redundancy to the closet Verizon Central Office where we get to the "outside world". Since 1993 we have been on Verizon's Ring and we have never lost connection.

Our 16 Remotes are on a OC192 Fiber Ring totally protected with the exception of 3 which are protected in the same Cable (Collapsed). Someday we hope to fix that but the cost will be very high.

FCC 47 C.F.R. § 54.202 Additional requirements for Commission designation of eligible telecommunications carriers.

(a) In order to be designated an eligible telecommunications carrier under section 214(e)(6), any common carrier in its application must:

(2) Demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.



REDACTED - FOR PUBLIC INSPECTION

(700) Price Offerings including voice and Data Collection Form

<010>	Study Area Code	150079
<015>	Study Area Name	CHAZY & WESTPORT
<020>	Program Year	2016
<030>	Contact Name - Person USAC should contact regarding this data	Lou Silvestre
<035>	Contact Telephone Number - Number of person identified in data line <030>	5189624404 ext.
<039>	Contact Email Address - Email Address of person identified in data line <030>	lou silvestre@westel.com.net

1/1/2015

<703>

[illegible]

REDACTED - FOR PUBLIC INSPECTION

(710) Broadband Price Offerings  
Data Collection Form

<010>	Study Area Code	150079
<015>	Study Area Name	CHAZY & WESTPORT
<020>	Program Year	2016
<030>	Contact Name - Person USAC should contact regarding this data	Lou Silvestre
<035>	Contact Telephone Number - Number of person identified in data line <030>	5189624404 ext.
<039>	Contact Email Address - Email Address of person identified in data line <030>	lousilvestre@westelcom.net

**<711>**

[illegible]



REDACTED - FOR PUBLIC INSPECTION

(800) Operating Companies  
Data Collection Form

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<010>	Study Area Code	150079
<015>	Study Area Name	CHAZY & WESTPORT
<020>	Program Year	2016
<030>	Contact Name - Person USAC should contact regarding this data	Lou Silvestre
<035>	Contact Telephone Number - Number of person identified in data line <030>	5189624404 ext.
<039>	Contact Email Address - Email Address of person identified in data line <030>	lousilvestre@westelcom.net
<810>	Reporting Carrier	Chazy & Westport Telephone
<811>	Holding Company	Chazy & Westport Telephone
<812>	Operating Company	Chazy & Westport Telephone

[illegible]

Chazy & Westport Telephone Corp's voice service local rate is within 2 standard deviations of the national urban average.



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**CHAZY & WESTPORT TELEPHONE COMPANY**  
**LIFELINE DISCOUNT APPLICATION**

**What is Lifeline Telephone Service?**

Lifeline telephone service is a joint Federal and State of New York program intended to assist in making telephone service affordable for all residential customers.

Customers that meet the below eligibility requirements will receive the Federally authorized credit of \$9.25 on their telephone bills. This credit is made up of a \$6.50 credit of the Subscriber Line Charge (SLC) and an additional \$2.75 credit, totaling the \$9.25 federally authorized amount. Lifeline discounts are not-transferable.

In addition, Chazy & Westport Telephone Company, per the New York State Public Service Commission has approved additional credits (these credits vary by Location). These additional Lifeline credits are as follows: for those customers living in Chazy or West Chazy NY, they will receive an additional \$5.69 monthly. If the customer lives in Westport NY, they will receive an additional \$8.56

**Regulations for Lifeline Services**

In order to be eligible for the discount, the applicant must meet set income criteria. For a consumer to be eligible under the income requirements, the consumer's household income as defined in § 54.400(f) of the FCC Rules must be at or below 135% of the Federal Poverty Guidelines for a household of that size or a recipient of benefits from any one of the following Entitlement Programs:

1. Medicaid;
2. Supplemental Nutrition Assistance Program (SNAP) F/K/A Food stamps;
3. Supplemental Security Income;
4. Federal Public Housing Assistance (Section 8);
5. Low-Income Home Energy Assistance Program (LIHEAP);
6. National School Lunch Program's free lunch program;
7. Temporary Assistance for Needy Families/SafetyNet;
8. Veterans Disability Pension
9. Veterans Surviving Spouse Pension

Qualified customers may choose to apply the federal Lifeline credit to any of the company's local service offerings, including any local bundled service offering, basic local service, or message rate service. Message rate Lifeline service is available only where central office facilities permit. For connection of new service, service connection charges apply.

Service connection charges do not apply to change existing service from:

1. Message or flat rate services to Lifeline service.
2. Lifeline service to non-Lifeline services.

The Lifeline discount is effective upon receipt of a completed form of eligibility. If the form is not returned, no further action is taken by the Company to establish eligibility. The Lifeline discount is available for one line of voice service per household; Applicants must be over 18 years of age, and cannot be claimed as a dependent on anyone's tax return.

The Company, in coordination with appropriate agencies and the Lifeline Customer, will require Lifeline customers to be re-certified, on an annual basis. Lifeline customers will need to certify that they continue to be eligible to receive these Lifeline benefits and that they are not receiving benefits from another company. If a customer is identified as being ineligible, the customer will be notified that unless the information is shown to be in error, the Lifeline discount will be discontinued. The customer will be billed for discounts received for the time that they were proven to be ineligible for the service

**Voluntary Toll Blocking (Restriction)**

Customers receiving Lifeline service can voluntarily request and receive toll blocking (call restriction), third number billing/collect call restriction without a monthly charge. There will be no record order charge to add these types of restrictions (blocking).

REDACTED - FOR PUBLIC INSPECTION

**REDACTED – FOR PUBLIC INSPECTION**

**ATTACHMENT - LINE 3010**

**ATTACHMENT REDACTED IN ENTIRETY**